



Substitute Senate Bill No. 1048

Public Act No. 07-181

***AN ACT CONCERNING THE INVESTIGATION OF A
DISCRIMINATION COMPLAINT AGAINST OR BY AN AGENCY
HEAD OR STATE COMMISSION OR BOARD MEMBER.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Subsection (b) of section 46a-68 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) (1) Each state agency, department, board or commission shall designate a full-time or part-time affirmative action officer. If such affirmative action officer is an employee of the agency, department, board or commission, the executive head of the agency, department, board or commission shall be directly responsible for the supervision of the officer.

(2) The Commission on Human Rights and Opportunities shall provide training and technical assistance to affirmative action officers in plan development and implementation.

(3) The Commission on Human Rights and Opportunities and the Permanent Commission on the Status of Women shall provide training concerning state and federal discrimination laws and techniques for conducting [internal] investigations of discrimination complaints to

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persons designated by state agencies, departments, boards or commissions as affirmative action officers and persons designated by the Attorney General or the Attorney General's designee to represent such agencies, departments, boards [, departments] or commissions pursuant to subdivision (5) of this subsection. Such training shall be provided for a minimum of ten hours during the first year of service or designation, and a minimum of five hours per year thereafter.

(4) (A) Each person designated by a state agency, department, board or commission as an affirmative action officer shall [(A)] (i) be responsible for mitigating any discriminatory conduct within the agency, department, board or commission, [(B)] (ii) investigate all complaints of discrimination made against the state agency, department, board or commission, [(C)] and (iii) report all findings and recommendations upon the conclusion of an investigation to the commissioner or director of the state agency, department, board or commission for proper action. [, and (D) complete ten hours of training provided by the Commission on Human Rights and Opportunities and the Permanent Commission on the Status of Women pursuant to subdivision (3) of this subsection.]

[(5) No person designated by a state agency, department, board or commission as an affirmative action officer shall represent such agency, department, board or commission before the Commission on Human Rights and Opportunities or the Equal Employment Opportunity Commission. If a complaint of discrimination is filed with the Commission on Human Rights and Opportunities or the Equal Employment Opportunity Commission against a state agency, department, board or commission, the Attorney General, or a designee of the Attorney General, other than the affirmative action officer for such agency, board, department or commission, shall represent the state agency, board, department or commission before the Commission on Human Rights and Opportunities or the Equal Employment

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Opportunity Commission.]

(B) Notwithstanding the provisions of subparagraphs (A)(i), (A)(ii) and (A)(iii) of this subdivision, if a discrimination complaint is made against the executive head of a state agency or department, any member of a state board or commission or any affirmative action officer alleging that the executive head, member or officer directly or personally engaged in discriminatory conduct, or if a complaint of discrimination is made by the executive head of a state agency, any member of a state board or commission or any affirmative action officer, the complaint shall be referred to the Commission on Human Rights and Opportunities for review and, if appropriate, investigation by the Department of Administrative Services. If the discrimination complaint is made by or against the executive head, any member or the affirmative action officer of the Commission on Human Rights and Opportunities alleging that the executive head, member or officer directly or personally engaged in discriminatory conduct, the commission shall refer the complaint to the Department of Administrative Services for review and, if appropriate, investigation. If the complaint is by or against the executive head or affirmative action officer of the Department of Administrative Services, the complaint shall be referred to the Commission on Human Rights and Opportunities for review and, if appropriate, investigation. Each person who conducts an investigation pursuant to this subparagraph shall report all findings and recommendations upon the conclusion of such investigation to the appointing authority of the individual who was the subject of the complaint for proper action. The provisions of this subparagraph shall apply to any such complaint pending on or after the effective date of this section.

(5) Each person designated by a state agency, department, board or commission as an affirmative action officer, and each person designated by the Attorney General or the Attorney General's designee

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to represent an agency pursuant to subdivision (6) of this subsection, shall complete training provided by the Commission on Human Rights and Opportunities and the Permanent Commission on the Status of Women pursuant to subdivision (3) of this subsection.

(6) No person designated by a state agency, department, board or commission as an affirmative action officer shall represent such agency, department, board or commission before the Commission on Human Rights and Opportunities or the Equal Employment Opportunity Commission concerning a discrimination complaint. If a discrimination complaint is filed with the Commission on Human Rights and Opportunities or the Equal Employment Opportunity Commission against a state agency, department, board or commission, the Attorney General, or the Attorney General's designee, other than the affirmative action officer for such agency, department board or commission, shall represent the state agency, department, board or commission before the Commission on Human Rights and Opportunities or the Equal Employment Opportunity Commission.

Approved July 5, 2007